

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

CENTRA, INC. and)	
DETROIT INTERNATIONAL)	
BRIDGE COMPANY,)	
)	Case No. 07 CV 6312
Plaintiffs,)	
)	Judge William T. Hart
v.)	
)	Magistrate Judge Schenkier
CENTRAL STATES SOUTHEAST)	
AND SOUTHWEST AREAS PENSION)	
FUND,)	
)	
Defendant.)	

AGREED MOTION FOR REASSIGNMENT BASED ON RELATEDNESS

Plaintiffs, CenTra, Inc. and Detroit International Bridge Company (collectively, “Plaintiffs” or “CenTra”), by and through their attorneys and pursuant to L. R. Civ. P. 40.4 and Fed. R. Civ. P. 42(a), request that this Court order that Case No. 07-CV-6348, whose complaint is attached as the Exhibit hereto and now is pending before Judge Lefkow, be reassigned to this action, Case No. 07-CV-6312, based on (1) the relatedness of the two cases, (2) the fact that Case No. 07-CV-6348 was commenced *after* Case No. 07-CV-6312, and (3) the fact that Defendant’s counsel has agreed to this motion.

In support of this agreed Motion, the Plaintiffs state:

1. On October 10, 2007, Arbitrator Richard I. Bloch issued his Award, a true copy of which is attached to the complaints in *both* Case No. 07-CV-6312 and Case No. 07-CV-6348.
2. Case No. 07-CV-6312 is an action to enforce the arbitrator’s Award; Case No. 07-CV-6348 is an action to vacate or modify the *same* Award.

3. L. R. Civ. P. 40.4(a) provides, in pertinent part: “Two or more civil cases may be related if one or more of the following conditions are met: . . . (2) the cases involve some of the same issues of fact or law; [or] (3) the cases grow out of the same transaction or occurrence;”

4. Case No. 07-CV-6348 is related to Case No. 07-CV-6312. Both cases involve the same issues of fact and law, and both cases grow out of the same transaction or occurrence. The complaints in Case No. 07-CV-6348 and Case No. 07-CV-6312 both involve the issue of whether the Court should enforce Arbitrator Bloch’s October 10, 2007 Award.

5. L. R. Civ. P. 40.4(b) provides: “A case may be reassigned to the calendar of another judge if it is found to be related to an earlier-numbered case assigned to that judge and each of the following criteria is met: (1) both cases are pending in this Court; (2) the handling of both cases by the same judge is likely to result in a substantial saving of judicial time and effort; (3) the earlier case has not progressed to the point where designating a later filed case as related would be likely to delay the proceedings in the earlier case substantially; and (4) the cases are susceptible of disposition in a single proceeding.” *Accord* Fed R. Civ. P. 42(a) (“When actions involving a common question of law or fact are pending before the court, . . . it may order all the actions consolidated;”)

6. Case No. 07-CV-6348 should be reassigned to Judge Hart, where Case No. 07-CV-6312 is pending, because: (1) both cases are pending in the Northern District of Illinois; (2) the handling of both cases by the same judge will undoubtedly result in a substantial saving of judicial time and effort, as both cases involve the issue of whether Arbitrator Bloch’s October 10, 2007 Award should be enforced; (3) the earlier case, Case No. 07-CV-

6312, has not progressed in a way that reassignment of Case No. 07-CV-6348 would delay the resolution of Case No. 07-CV-6312 because no proceedings, other than the filing of an answer and counterclaim on November 28, 2007, have taken place in Case No. 07-CV-6312; and (4) both cases are susceptible of disposition in a single proceeding as they both involve the issue of whether Arbitrator Bloch's October 10, 2007 Award should be enforced. Indeed, the counterclaim filed in Case No. 07-CV-6312 in essence *is* the complaint filed in Case No. 6348, so the two actions already are functionally joined in Case No. 07-CV-6312, providing a further reason why this motion should be granted.

7. One of the attorneys for the Defendant notified the undersigned on November 29, 2007 that, after reviewing this motion, the undersigned could represent to the Court that Defendant agrees with this Motion.

WHEREFORE, Plaintiffs request that Case No. 07-CV-6348 be reassigned to the earlier Case No. 07-CV-6312 based on relatedness, in accordance with and L. R. Civ. P. 40.4 and Fed. R. Civ. P. 42(a).

DATED: November 29, 2007

Respectfully submitted,

CENTRA, INC. and
DETROIT INTERNATIONAL BRIDGE
COMPANY

By: /s/ Mark Casciari
One of Their Attorneys

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CERTIFICATE OF SERVICE

I hereby certify that on November 29, 2007, I electronically filed the foregoing
AGREED MOTION FOR REASSIGNMENT BASED ON RELATEDNESS with the Clerk of the Court
using the CM/ECF system, which sent e-mail notification of that filing to the following:

Thomas M. Weithers
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/s/ Mark Casciari